

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. The petitioner applied for VHAP on January 9, 2003. In a decision dated January 13, 2003 the Department determined that the petitioner's monthly income was in excess of the VHAP program maximum of \$1,515 for a family of two persons.

3. The petitioner does not dispute the Department's calculations of his income and benefits. He maintains, however, that if he were receiving unemployment benefits in Vermont, the maximum amount payable per month would be less than the VHAP maximum. The petitioner argues that the Department should only count the Vermont unemployment maximum as his income, not his actual payments from New Hampshire.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations the Department is required to treat the petitioner and his wife as a household of two persons and to count the gross unearned income the household receives. W.A.M. § 4001.8. The Department determined that the petitioner's income of \$1,599.60 made him ineligible for VHAP, which has a two-person income maximum of \$1,515 a month. Procedures Manual § P-2420B. (The petitioner does, however, fall within the income eligibility guidelines [\$4,040 per month maximum] for the Healthy Vermonters program, and he has been found eligible for that program.) There is no provision in the regulations allowing the Department to consider as income only the equivalent unemployment compensation amount

payable in Vermont rather than the petitioner's actual payments from New Hampshire.

Inasmuch as the Department's decision in this matter was in accord with the pertinent regulations it must be affirmed.

3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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